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8  
9 **BEFORE THE**  
**BOARD OF PHARMACY**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 3692

12 **SARAH JEAN IDE**  
13 **412 West Minster Drive**  
14 **San Jacinto, CA 92583**

**ACCUSATION**

15 **Pharmacy Technician Registration No. TCH**  
16 **66657**

17 Respondent.

18  
19  
20 Complainant alleges:

21 **PARTIES**

- 22 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity  
23 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
- 24 2. On or about December 21, 2005, the Board of Pharmacy issued Pharmacy Technician  
25 Registration Number TCH 66657 to Sarah Jean Ide (Respondent). The Pharmacy Technician  
26 Registration was in full force and effect at all times relevant to the charges brought herein and  
27 will expire on March 31, 2011, unless renewed.
- 28

1 JURISDICTION

2 3. This Accusation is brought before the Board of Pharmacy (Board), Department of  
3 Consumer Affairs, under the authority of the following laws. All section references are to the  
4 Business and Professions Code unless otherwise indicated.

5 4. Section 4300(a) of the Code states that “[e]very license issued may be suspended or  
6 revoked.”

7 5. Section 118, subdivision (b), of the Code provides that the suspension, expiration,  
8 surrender or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a  
9 disciplinary action during the period within which the license may be renewed, restored, reissued  
10 or reinstated.

11 STATUTORY AND REGULATORY PROVISIONS

12 6. Section 482 of the Code states:

13 Each board under the provisions of this code shall develop criteria to evaluate  
14 the rehabilitation of a person when:

15 (a) Considering the denial of a license by the board under Section 480; or

16 (b) Considering suspension or revocation of a license under Section 490.

17 Each board shall take into account all competent evidence of rehabilitation  
18 furnished by the applicant or licensee.

18 7. Section 492 of the Code states:

19 Notwithstanding any other provision of law, successful completion of any  
20 diversion program under the Penal Code, or successful completion of an alcohol and  
21 drug problem assessment program under Article 5 (commencing with section  
22 23249.50) of Chapter 12 of Division 11 of the Vehicle Code, shall not prohibit any  
23 agency established under Division 2 ([Healing Arts] commencing with Section 500)  
24 of this code, or any initiative act referred to in that division, from taking disciplinary  
25 action against a licensee or from denying a license for professional misconduct,  
26 notwithstanding that evidence of that misconduct may be recorded in a record  
27 pertaining to an arrest.

24 This section shall not be construed to apply to any drug diversion program  
25 operated by any agency established under Division 2 (commencing with Section 500)  
26 of this code, or any initiative act referred to in that division.

26 8. Section 4059 of the Code provides, in pertinent part, that a person may not furnish  
27 any dangerous drug except upon the prescription of a physician, dentist, podiatrist, optometrist,  
28 veterinarian, or naturopathic doctor pursuant to Section 3640.7. A person may not furnish any

1 dangerous device, except upon the prescription of a physician, dentist, podiatrist, optometrist,  
2 veterinarian, or naturopathic doctor pursuant to Section 3640.7.

3 9. Section 4060 of the Code states:

4 No person shall possess any controlled substance, except that furnished to a  
5 person upon the prescription of a physician, dentist, podiatrist, optometrist,  
6 veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished pursuant  
7 to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a  
8 nurse practitioner pursuant to Section 2836.1, or a physician assistant pursuant to  
9 Section 3502.1, or naturopathic doctor pursuant to Section 3640.5, or a pharmacist  
10 pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of  
11 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section  
12 shall not apply to the possession of any controlled substance by a manufacturer,  
13 wholesaler, pharmacy, pharmacist, physician, podiatrist, dentist, optometrist,  
14 veterinarian, naturopathic doctor, certified nurse-midwife, nurse practitioner, or  
15 physician assistant, when in stock in containers correctly labeled with the name and  
16 address of the supplier or producer.

17 Nothing in this section authorizes a certified nurse-midwife, a nurse  
18 practitioner, a physician assistant, or a naturopathic doctor, to order his or her own  
19 stock of dangerous drugs and devices.

20 10. Section 4301 of the Code states:

21 The board shall take action against any holder of a license who is guilty of  
22 unprofessional conduct or whose license has been procured by fraud or  
23 misrepresentation or issued by mistake. Unprofessional conduct shall include, but is  
24 not limited to, any of the following:

25 ....

26 (h) The administering to oneself, of any controlled substance, or the use of any  
27 dangerous drug or of alcoholic beverages to the extent or in a manner as to be  
28 dangerous or injurious to oneself, to a person holding a license under this chapter, or  
to any other person or to the public, or to the extent that the use impairs the ability of  
the person to conduct with safety to the public the practice authorized by the license.

29 ....

30 (j) The violation of any of the statutes of this state, or any other state, or of the  
31 United States regulating controlled substances and dangerous drugs.

32 ....

33 (o) Violating or attempting to violate, directly or indirectly, or assisting in or  
34 abetting the violation of or conspiring to violate any provision or term of this chapter  
35 or of the applicable federal and state laws and regulations governing pharmacy,  
36 including regulations established by the board or by any other state or federal  
37 regulatory agency.

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11. Title 16, California Code of Regulations, section 1769, states:

....

(b) When considering the suspension or revocation of a facility or a personal license on the ground that the licensee or the registrant has been convicted of a crime, the board, in evaluating the rehabilitation of such person and his present eligibility for a license will consider the following criteria:

(1) Nature and severity of the act(s) or offense(s).

(2) Total criminal record.

(3) The time that has elapsed since commission of the act(s) or offense(s).

(4) Whether the licensee has complied with all terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.

(5) Evidence, if any, of rehabilitation submitted by the licensee.

12. Title 16, California Code of Regulations, section 1770, states:

For the purpose of denial, suspension, or revocation of a personal or facility license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered substantially related to the qualifications, functions or duties of a licensee or registrant if to a substantial degree it evidences present or potential unfitness of a licensee or registrant to perform the functions authorized by his license or registration in a manner consistent with the public health, safety, or welfare.

COST RECOVERY

13. Section 125.3 of the Code states, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

DRUG

14. Methamphetamine is a schedule II controlled substance as designated by Health and Safety Code section 11055(d)(2), and is a dangerous drug pursuant to Business and Professions Code section 4022.

1 CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct-Use of a Controlled Substance)

3 15. Respondent is subject to disciplinary action under section 4301(h) of the Code in that  
4 she used a controlled substance, Methamphetamine. The circumstances are as follows:

5 a. On or about April 11, 2008, police officers investigated the travel trailer of a  
6 parolee. As the police officers approached the travel trailer, the police officers heard what  
7 sounded like someone "snorting" from a straw or a small pipe and then saw several people,  
8 including Respondent exit the trailer. The police then searched the trailer and found empty white  
9 baggies and a white plastic tube with a white crystalline substance inside the trailer. The  
10 substance inside the straw, field tested positive for methamphetamine. Next to the trailer, the  
11 police found a case containing baggies with a crystalline substance inside, a blue digital scale,  
12 three lighters, several cotton swabs and a small metal measuring spoon. A police officer  
13 evaluated Respondent and found that she displayed the objective signs of being under the  
14 influence of a central nervous system stimulant, Methamphetamine.

15 b. On or about October 15, 2009, in a criminal proceeding entitled *People of the State*  
16 *of California v. Sarah Jean Ide*, in Riverside County Superior Court, case number SWM074961,  
17 Respondent plead guilty to a charge of violating Health and Safety code section 11550(a), under  
18 the influence of a controlled substance, a misdemeanor and was granted deferred entry of  
19 judgment. A misdemeanor violation of Penal Code section 853.7, fail to appear after written  
20 promise was dismissed. On December 15 and 21, 2009, Respondent filed proof of enrollment in  
21 a drug diversion program pursuant to Penal Code section 1000 with the court.

22 SECOND CAUSE FOR DISCIPLINE

23 (Unprofessional Conduct-Violations of the Chapter)

24 16. Respondent is subject to disciplinary action under Code section 4301(o) for violation  
25 of the Pharmacy Act in that on or about April 11, 2008, Respondent furnished to herself and  
26 possessed a controlled substance, Methamphetamine, in violation of Code sections 4059 and 4060  
27 as is more fully described in Paragraph 15 above.

1 THIRD CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct-Violating Laws Regulating Controlled Substances)

3 17. Respondent is subject to disciplinary action under section 4301(j) of the Code in that  
4 on or about April 11, 2008, Respondent violated the California Uniform Controlled Substances  
5 Act (Health and Safety Code 11000, et seq.) as is more fully described in Paragraph 15 above.

6 PRAYER

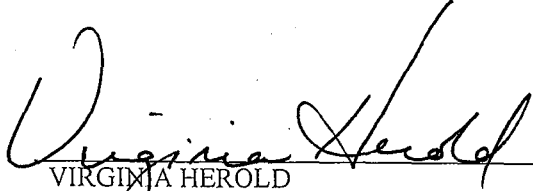
7 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
8 and that following the hearing, the Board of Pharmacy issue a decision:

9 1. Revoking or suspending Pharmacy Technician Registration Number TCH 66657,  
10 issued to Sarah Jean Ide;

11 2. Ordering Sarah Jean Ide to pay the Board of Pharmacy the reasonable costs of the  
12 investigation and enforcement of this case, pursuant to Business and Professions Code section  
13 125.3;

14 3. Taking such other and further action as deemed necessary and proper.

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17 DATED: 6/9/10

  
18 VIRGINIA HEROLD  
19 Executive Officer  
20 Board of Pharmacy  
21 Department of Consumer Affairs  
22 State of California  
23 Complainant

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